

Permit Number - ND2016-17622

State of North Dakota
Temporary Water Permit
SWC Project No. 1400A

In response to an application for a temporary water permit dated Jul 13, 2016 as received in this office Jul 18, 2016, authority is hereby granted to:

Dakota Access, LLC
1300 Main Street
Houston, TX 77002

Contact Person: Monica Howard

Telephone (713) 989-7186

A Temporary Water Permit as follows:

Source: Heart River

Point of Diversion: NE1/4 Sec. 23 Twp. 137 Rng. 084

Nature of Use: Hydrostatic testing

Total Quantity of Water: 4,500,000.0 Gallons

Maximum Withdrawal Rate: 2,400.0 gpm

Period of authorized usage: Aug 1, 2016 through Dec 31, 2016

Conditions

This temporary water permit is granted subject to use from the source by senior appropriators. Permission for access to the source must be obtained from all affected landowners. Failure to comply with any order of the State Engineer may result in forfeiture of this permit. The granting of a temporary water permit does not create a water right. Temporary water permits are not transferrable. Temporary water permits cannot be modified.

The total quantity of water listed above is 13.8 acre-feet.

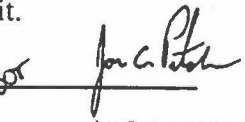
This temporary water permit is issued subject to water use from the source by senior appropriators.

Permit Holder must contact the North Dakota Department of Health at 701.328.5210 to complete and file NPDES Short Form C prior to discharging waters back into the waters of the state.

An amount of water sufficient to provide water for livestock downstream must be allowed to flow pas the point of diversion at all times when water is being withdrawn under this temporary water permit.

Dated: Jul 22, 2016

Garland Erbele, P.E.
State Engineer
ND State Water Commission
900 East Boulevard
Bismarck, ND 58505


Jon C. Patch, P.E.
Director, Water Appropriation Division

cc: Morton WRD

Permit Number - ND2016-17622

**State of North Dakota
Temporary Water Permit
SWC Project No. 1400A**

Failure to comply with any order of the State Engineer may result in forfeiture of this temporary water permit. This includes the withdrawal of water that is not authorized.

The amount of water withdrawn daily from this source under this temporary water permit must be provided to the State Engineers Office on a weekly basis from the date of issue through the termination date of this Temporary Water Permit. This includes all weeks that water is not withdrawn or weeks that the project is shut down for any reason. The weekly summary of the date and the amount of water withdrawn can either be faxed to 701.328.3696 or e-mailed to dfarrell@nd.gov once every week.

Holders of Temporary Water Permits with Hydrostatic Testing Use must complete the Annual Water Use Report for each calendar year that the Temporary Water Permit is authorized. Annual Water Use Reports for Industrial Use Temporary Water Permits are due in the State Engineer's Office within 30 days of the close of the calendar year or within 30 days of the close of the authorized period of the Temporary Water Permit. Failure to comply with any order of the State Engineer may result in the forfeiture of this permit.

A weatherproof copy of this Temporary Water Permit must be attached to equipment withdrawing water and must be available for inspection by representatives of the State Engineers Office or the State Water Commission.

This temporary water permit is subject to to the installation of real-time monitoring (telemetry) at the expense of the permit holder upon notification from the State Engineer.

Dated: Jul 22, 2016

cc: Morton WRD

Garland Erbele, P.E.
State Engineer
ND State Water Commission
900 East Boulevard
Bismarck, ND 58505


Jon C. Patch, P.E.
Director, Water Appropriation Division

OFFICE OF THE NORTH DAKOTA STATE ENGINEER
RECOMMENDED DECISION

To: Garland Erbele, P.E., State Engineer
Approved by: Jon Patch, P.E., Director, Water Appropriations Division
Reviewed by: William Schuh, Assistant Division Director
Reviewed by: Dan Farrell, Hydrologist Manager- Surface Water
From: Bryce Klasen, Hydrologist II - Surface Water
Subject: Temporary water permit application: ND2016-17622
Dakota Access, LLC
Date: July 20, 2016

JP 7/25/16
7-25
DAN 7-22-16

The State Engineers Office received an application for a temporary water permit from Dakota Access, LLC on 7/13/16. This application requested the authorization to use 13.8 acre-feet of water at a maximum rate of withdrawal of 2400 gallons per minute from "Heart River". The requested point of diversion (POD) listed on the application is at 13708423A of Morton County. The requested period of withdrawal was 8/1/16 through 4/14/17. The nature of use for the proposed allocation was listed as "Hydrostatic Testing", which is cataloged as "Construction- Hydrostatic Testing".

A hydrologic review was completed as a part of the review process for the temporary water permit application.

The hydrologic review of the proposed pumping from the POD on Heart River, in the Fish Creek Lake-Heart River sub-watershed, Heart River Outlet watershed, and Lower Heart sub-basin will not adversely affect existing rights.

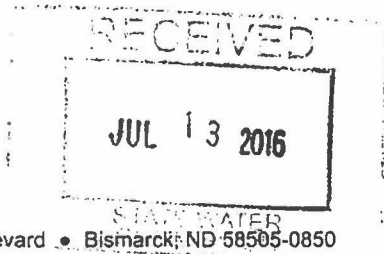
Therefore, the temporary water permit application submitted by Dakota Access, LLC to withdraw 13.8 acre-feet of water at a maximum rate of 2400 gpm from the above listed source for a timeframe beginning 8/1/16 and ending 12/31/16 is recommended for approval with the conditions attached to this permit.



Bryce Klasen
Hydrologist II- Surface Water



APPLICATION FOR A TEMPORARY WATER PERMIT
 NORTH DAKOTA STATE WATER COMMISSION
 WATER APPROPRIATIONS
 SFN 60158 (07/2014)



MAIL THE COMPLETED APPLICATION TO:

State Engineer • ND State Water Commission • State Office Building • 900 East Boulevard • Bismarck, ND 58505-0850
 BY FAX - (701) 328-3696 • BY EMAIL - waterpermits@nd.gov

(SIGNATURE MUST BE PROVIDED)

NOTE: Use one application for each type of source (surface water or ground water). Use one application for each different surface water source. Complete all lines. If this application is not satisfactorily completed, it will be returned. If more space is necessary, attach additional sheets. Please type or print in ink. No map is required.

Name of Applicant				Dakota Access, LLC			
Mailing Address				1300 Main Street			
City		State		Zip Code			
Houston		TX		77002			
Home Telephone Number				Work Telephone Number			
				713-989-7186			
Cell Phone Number				E-Mail			
				monica.howard@energytransfer.com			
Contact Person (if applicant is not an individual)				Contact Person Telephone Number			
Monica Howard				713-989-7186			
Source of Water Supply (check one)							
<input checked="" type="checkbox"/> Surface Water Source				<input type="checkbox"/> Ground Water Source			
Name of Source (if surface water):						County	
Heart River						Morton	
1/4 1/4 (if needed)		1/4 Section		Township		Range	
NE		23		137N		84W	
Purpose for Which Water Will be Used:							
Hydrostatic testing of new pipeline							
Total Quantity of Water Requested: (complete one)				Acre-Foot		Gallons	
						4,500,000 Barrels	
Unit Conversions: • 1 ac ft = 325,851 gallons • 1 ac ft = 7,758.3 barrels							
<input type="checkbox"/> <1 AF \$75		<input type="checkbox"/> 1-10 AF \$125		<input checked="" type="checkbox"/> >10 AF \$200			
<i>Fee must accompany signed temporary water permit application.</i>							
Withdrawal rate at which water is proposed to be diverted at the location listed above:				GPM			
				2,400 gallons/minute maximum			
Period of Usage: (up to 12 months)				From		Through	
				8/1/2016		4/14/2017	
Signature:						Date:	
<i>Monica Howard</i>						7/11/16	
Printed Name: Monica Howard							

Upon receipt of this form, the State Engineer will forward a written response to the applicant within approximately 30 days. If the application is approved, the granting of temporary water permit does not create a water right. If you have any questions, call (701) 328-2754.

2016 Temporary Permit Annual Water Use Report
(Return all pages of this form even if no water was used)

ND2016-17622

Permit Number:ND2016-17622

Make Name and/or Address corrections below:

Dakota Access, LLC
1300 Main Street

Houston, TX 77002

Phone:

Report the total in : Gallons or Barrels or Acre-Feet Please circle the units used (gallons, barrels, acre-feet)

Report the total amount of water per month if applicable:

JANUARY	_____	JULY	_____
FEBRUARY	_____	AUGUST	_____
MARCH	_____	SEPTEMBER	_____
APRIL	_____	OCTOBER	_____
MAY	_____	NOVEMBER	_____
JUNE	_____	DECEMBER	_____

TOTAL ANNUAL USE _____

I. INFORMATION ABOUT WELLS, PUMPS, OR POINTS OF DIVERSION

Report the following information for the Point of Diversion NE1/4 Sec. 23 Twp. 137 Rng. 084

Water Source: Ground Water or Surface Water (Circle one)

Pumping Rate: _____ (Circle: Barrels, Acre-Feet, Gallons) PER (Circle : Second, Minute, Hour, Day)

Total Water Use from this Point of Diversion : _____ (Circle: Barrels, Acre-Feet, Gallons)

WATER PERMIT CRITERIA:

Source: Heart River

Nature of Use: Hydrostatic testing

Total Quantity of Water: 13.80 Acre-Feet

Maximum Withdrawal Rate: 2,400.0 gpm

Period of authorized useage: Aug 1, 2016 through Dec 31, 2016

II. MAKE ANY ADDITIONAL REMARKS BELOW:

Note: 1 Acre-Foot = 325,851 gallons.

E-Mail: depotreporting@nd.gov

Please return to:

North Dakota Office of the State Engineer
State Office Building
900 East Boulevard
Bismarck, ND 58505
Phone (701) 328-2754

Signature _____

Date : _____